

REPEAL OF REDUNDANT VENUE PROVISION

SEPTEMBER 17, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MOORHEAD, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 677]

The Committee on the Judiciary, to whom was referred the Act (S. 677) to repeal a redundant venue provision, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the Act do pass.

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PURPOSE AND SUMMARY

Based upon recent amendments in the law made to 28 U.S.C. § 1391(a)(1) and § 1391(b)(1), 28 U.S.C. § 1392(a) is redundant and should be repealed.

BACKGROUND AND NEED FOR THE LEGISLATION

S. 677 implements a proposal made by the Judicial Conference of the U.S. to eliminate a redundant provision governing venue, 28 U.S.C. § 1392(a), which duplicates provisions of the Judicial Improvements Act of 1990. This is a housekeeping provision to eliminate any confusion regarding venue in Title 28.

HEARINGS

The Committee held no hearings on S. 677 because it viewed the bill as technical and noncontroversial, and it received broad bipartisan support.

COMMITTEE CONSIDERATION

On July 23, 1996, the Subcommittee on Courts and Intellectual Property met in open session and ordered reported the bill S. 677, by voice vote, a quorum being present. On September 11, 1996, the Committee met in open session and ordered reported favorably the bill S. 677 by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, S. 677, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 13, 1996.

Hon. HENRY J. HYDE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 677, an act to repeal a redundant venue provision, and for other purposes, as ordered reported by the House Committee on the Judiciary on September 11, 1996. CBO estimates that enacting this legislation would result in no cost to the federal government. Enactment of S. 677 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The bill contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), and would have no effect on the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that S. 677 will have no significant inflationary impact on prices and costs in the national economy.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Repeal.—Section 1 repeals subsection (a) of section 1392 of title 28, United States Code.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 1392 OF TITLE 28, UNITED STATES CODE

§ 1392. Defendants or property in different districts in same State

[(a) Any civil action, not of a local nature, against defendants residing in different districts in the same State, may be brought in any of such districts.]

[(b)] Any civil action, of a local nature, involving property located in different districts in the same State, may be brought in any of such districts.